

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP NEW APPLICATION</b>
	)	
Hiroshi SANO et al.	)	
	)	
Application No.: (unassigned)	)	
	)	
Filed: March 18, 2004	)	
	)	
For: THEOBROMINE SYNTHASE	)	
POLYPEPTIDE OF COFFEE PLAQNT	)	
AND THE GENE ENCODING SAID	)	
POLYPEPTIDE	)	

**FIRST INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

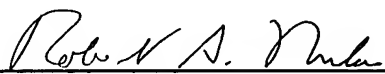
All of the listed documents were previously made of record in prior Application Serial No. 09/971,020, filed October 5, 2001, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Copies of the cited documents are not enclosed as they were previously made of record in the prior application.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date March 18, 2004

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Substitute for Form 1449A/PTO & 1449B/PTO			<b>Complete if Known</b>		
<b>FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number		
			Filing Date	March 18, 2004	
			First Named Inventor	Hiroshi SANO et al.	
			Examiner Name		
Sheet	1	of	1	Attorney Docket Number	026350-091

U.S. PATENT DOCUMENTS				
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation	
					Yes	No
	1 055 727	A	EP	11-29-2000		
	97/35960		WO	10-02-1997		

NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	OGITA et al., "Producing decaffeinated coffee plants," Nature, 2003, Vol. 423, p 823
	ZUBIETA et al., "Structural Basis for Substrate Recognition in the Salicylic Acid Carboxyl Methyl Transferase Family," Plant Cell, August 2003, Vol. 15, pp 1704-1716
	KATO, M. et al., "Caffeine Synthase Gene from Tea Leaves," Nature, 2000, Vol. 406, pp 956-957
	MAZZAFERA, P. et al., "S-Adenosyl-L-Methionine: Theobromine 1-N-Methyl Transferase, and Enzyme Catalysing the Synthesis of Caffeine in Coffee," 37(6), Phytochemistry, pp 1577-1584, 1994
	KATO, M. et al., "Purification and Characterization of Caffeine Synthase from Tea Leaves," 120(2) Plant Physiology, pp 579-586, 1999
	SUZUKI, T. et al., "Biosynthesis of Caffeine by Tea-Leaf Extracts," 146 Biochemical Journal, pp 87-96, 1975
	OGAWA, M. et al., "7-Methylxanthine Methyltransferase of Coffee Plants," 276(11) The Journal of Biological Chemistry, pp 8213-8218, 2001
	HATANAKE et al., "Transgenic Plants of Coffee <i>Coffea canephora</i> from Embryogenic Callus Via <i>Agrobacterium tumefaciens</i> -mediated Transformation," Plant Cell Reports, Vol. 19(2), pp 106-110, 1999
	ASHIHARA, H. et al., "Caffeine: A Well Known But Little Mentioned Compound in Plant Science," 6(9) Trends in Plant Science, pp 407-413, 2001

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.